

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN RE: 2000 24' WORLD CAT
CRUISER BEARING HULL
IDENTIFICATION NUMBER
EPY46179E000

PHILLIP RIGSBY,

Plaintiff,

v.

Case No.: 2:23-cv-280-SPC-KCD

ALL POTENTIAL CLAIMANTS,

Defendants.

ORDER

Before the Court is Plaintiff's Motion to Approve Letter of Undertaking, Issuance of Monition and Injunction, and Directing the Clerk to Issue a Notice to Claimants of Plaintiff's Complaint for Exoneration from or Limitation of Liability. (Doc. 7.)

Plaintiff filed their Petition for Exoneration from or Limitation of Liability regarding a 2000 24' World Cat Cruiser (the "Vessel"), bearing Hull Identification No. EPY46179E000, pursuant to 46 U.S.C. § 30501, *et seq.* and Supplemental Rule F, for damages, injuries, or fatalities caused by or resulting

from an incident occurring on or about September 28, 2022, in the navigable waters of Pelican Bay near Fort Myers, Florida (the “Complaint”) (Doc. 1.)

The Petition states the value of Plaintiff’s interest in the Vessel does not exceed \$3,125.00 and there is no pending freight. (Doc. 1.) Plaintiff has deposited with the Court a Letter of Undertaking by Geico Marine Insurance Company, as surety, as security for the benefit of claimants in the amount of \$3,125.00, with interest at 6 percent per annum from September 28, 2022, and costs, as required by the rules of this Court and by the law. (Doc. 1-3.)

The Motion (Doc. 7) is **GRANTED** and it is hereby **ORDERED**:

1. The Letter of Undertaking (Doc. 1-3) filed by Plaintiff with the Court for the benefit of claimants, in the sum of \$3,125.00, with interest and costs, as security for the amount or value of Plaintiff’s interest in the Vessel is hereby approved.
2. This Court, upon motion, shall cause due appraisal of such value and may thereupon order the said security increased or reduced to carry out the provisions of 46 U.S.C. § 30501, *et seq.* for death, personal injuries, property damage, or any other claims resulting from the incident that occurred on September 28, 2022, referred to in the Petition.
3. The Clerk is **DIRECTED** to issue the attached notice to all persons asserting claims with respect to which the Complaint seeks

exoneration or limitation, admonishing them to file their respective claims with the Clerk of the Court in writing, and to serve on the attorneys for the Plaintiff a copy thereof on or before **July 18, 2023**, or be defaulted, and if any claimant desires to contest either the Plaintiff's right to exoneration from or the right to limitation of liability, any such claimant(s) shall file and serve on Plaintiff's attorneys an answer to the Petition, on or before said date, unless his claim has included an answer to the Petition, so designated, or be defaulted.

4. Publication of the aforesaid notice in the form required by Supplemental Rule F(4) be published in a newspaper of general circulation in the Lee County area once a week for four (4) successive weeks prior to the date fixed for the filing of claims, and copies of the notice shall also be mailed in accordance with Supplemental Rule F.
5. The commencement or further prosecution of any and all actions or proceedings against Plaintiff, the Vessel, or other property of Plaintiff with respect to any claims for which Plaintiff seeks exoneration from or limitation of liability herein, including any claim arising out of, or incident to, or connected with any loss, damage, injury, death or destruction, more fully described in the Petition, be and they are

hereby restrained, stayed, and enjoined until the hearing and determination of this action.

6. Service of this Order as a restraining order may be made through the Post Office by mailing a confirmed copy thereof to the person or persons to be restrained, or to their respective attorneys, or alternatively, by hand delivery.

ORDERED in Fort Myers, Florida this May 19, 2023.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record

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MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN RE: 2000 24' WORLD CAT
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IDENTIFICATION NUMBER
EPY46179E000

PHILLIP RIGSBY,

Plaintiff,

v.

Case No.: 2:23-cv-280-SPC-KCD

ALL POTENTIAL CLAIMANTS,

Defendants.

NOTICE TO ALL POTENTIAL CLAIMANTS

As owner of a 2000 24' World Cat Cruiser, bearing Hull Identification No. EPY46179E000, together with its engines, tackle, appurtenances, and equipment (the "vessel")—and pursuant to 46 U.S.C § 30501, *et seq.*, and Supplemental Rule F of the Federal Rules of Civil Procedure, PHILLIP RIGSBY filed a Petition on April 25, 2023, in the United States District Court for the Middle District of Florida seeking exoneration from, or limitation of, any liability concerning any and all personal injury, property damage, destruction, or other losses arising out of or related to a collision with the vessel on or about September 28, 2022, in the navigable waters of Pelican Bay near Fort Myers, Florida, as more fully described in the Petition. The court has accepted an Ad Interim Stipulation for Costs and Value as interim security for all claims against plaintiff and the vessel. Pursuant to 46 U.S.C. § 30511(c), "all claims and proceedings against the owner related to the matter in question shall cease."

By **July 18, 2023**, all persons or entities claiming damage for any and all loss, destruction, injuries, and/or death allegedly as a result of the occurrences and happenings recited in the complaint must file their respective claims with the clerk of this court and serve copies thereof on Plaintiffs'

counsel. By the same date, all persons or entities presenting claims and desiring to contest the allegations of the complaint must file an answer to the complaint in this court and must serve copies thereof on Plaintiff's counsel or be defaulted. Service on Plaintiff's counsel may be made by delivery or mail to Richard McAlpin or Gabriela Diaz of McAlpin Tanner Marcotte P.A., 80 SW 8th Street, Suite 2805, Miami, Florida, 33130.

DATED: May 19, 2023

Elizabeth Warren, CLERK

By: _____
Deputy Clerk